IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

Bail Appl..No. 1960 of 2007(S)

ST.329/2005 of C.J.M.,KOLLAM
.....

PETITIONER/ACCUSED

SHAJU P.P., S/O POULOSE,
POTTAKKAL HOUSE, MURINGOOR, THRISSUR DISTRICT.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: STATE & COMPLAINANT

THE STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTORSRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 1960 of 2007

DATED: 30th March 2007

O R D E R

Petitioner who is the accused in S.T. No. 329 of 2005 on the file of the Chief Judicial Magistrate, Kollam for an offence punishable under Section 138 of the N.I. Act, 1881, seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. Consequent on the non-appearance of the petitioner before the Chief Judicial Magistrate, non-bailable warrants of arrest are pending against him.

4. Anticipatory bail cannot be granted in a case of this nature so as to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed after examining the explanation offered by the petitioner for his previous non-appearance..

With the above observation this application is disposed of.

V.RAMKUMAR,JUDGE

JUDGE.

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